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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,974	03/25/2004	Jack E. Caveney	LCB424	7066
32915	7590	05/04/2006	EXAMINER	
PANDUIT CORP. LEGAL DEPARTMENT - TP12 17301 SOUTH RIDGELAND AVENUE TINLEY PARK, IL 60477			NGUYEN, KHIEM M	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RD

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/808,974	CAVENEY ET AL.	
	Examiner	Art Unit	
	Khiem Nguyen	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 17-28, 40-51, 63-67, 94 and 95 is/are pending in the application.
- 4a) Of the above claim(s) 6-16, 29-39, 52-62, 90-93, 96 and 97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 17-28, 40-51, 63-67, 94 and 95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 6-16, 29-39, 52-62, 90-93, 96 and 97 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of figures 4-5 in the reply filed on 2/16/06 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 94 and 95 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 1049226A (EP' 226).

Regarding claim 94, EP' 226 (see figure 5) discloses a cable duct component 20a comprising a lever assembly 30a for coupling and uncoupling a cable duct section 10.

Regarding claim 95, EP' 226 (see figures 8-12) discloses a cable duct component comprising a lever assembly 20e for engaging and disengaging a barb 31e with an end of a cable duct section 12.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 17-19, 22-28, 40-42, 45-51, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of EP' 226.

The APA cable duct couplers and cable duct fittings as being discussed on page 2 in the background of the instant application each disclose a barb assembly comprising a body and one or more barb arms extending from the body to bitingly engage an end of a cable duct section and to oppose removal of a cable duct section from the cable duct component. However, the above mentioned APA lacks a releasable lever assembly for applying a force to the barb and, responsive to the application of the force, for moving the barb and one or more barb arms from an unengaged position to an engaged position without the use of tools.

EP' 226 (see figure 5) discloses a cable duct component 20a comprising a releasable lever assembly 30a for coupling and uncoupling a cable duct section 10 without the use of tools.

EP' 226 (see figures 8-12) discloses a cable duct component comprising a releasable lever assembly 20e for engaging and disengaging a barb 31e with an end of a cable duct section 12 without the use of tools.

Therefore, it would have been obvious for one of ordinary skill in the art to provide the APA cable duct's barb assembly with a releasable lever assembly for applying a force to the barb and, responsive to the application of the force, for moving the barb and one or more barb arms from an unengaged position to an engaged position without the use of tools.

The use of a barb assembly with a releasable lever would facilitate the coupling and uncoupling of cable duct sections for the APA without requiring the use of tools as suggested by EP' 226.

6. Claims 20-21, 43-44, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of EP' 226 as applied to claims 1, 22, and 45 above, and further in view of Mano et al. (6,712,649).

The Admitted Prior Art (APA) in view of EP' 226 disclose the claimed cable duct couplers and cable duct fittings provided with a barb assembly having releasable lever assembly. However, said releasable lever assembly lacks a lever comprising a lever mount bearing surface and a barb bearing surface, the lever mount bearing surface adapted to act on the lever mount and the barb bearing surface adapted to act on the barb; and wherein actuation of the lever causes the lever mount bearing surface to act on the lever mount and causes the barb bearing surface to act on the barb to apply a force to the barb and, responsive to the application of the force, to move the barb and one or more barb arms from an unengaged position to an engaged position without the use of tools.

Mano et al. discloses a releasable lever assembly 39 comprising a lever mount bearing surface 39a and a barb bearing surface 43, the lever mount bearing surface adapted to act on the lever mount and the barb bearing surface adapted to act on the barb; and wherein actuation of the lever causes the lever mount bearing surface to act on the lever mount and causes the barb bearing surface to act on the barb to apply a force to the barb and, responsive to the application of the force, to move the barb and

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one or more barb arms from an unengaged position to an engaged position without the use of tools.

Therefore, it would have been obvious for one of ordinary skill in the art to provide the above mentioned features for the releasable lever assembly of the Admitted Prior Art (APA) in view of EP' 226 in view of the teachings of Mano et al.

A releasable lever assembly with the above mentioned features would provide for better actuation and retention forces for the barb assembly.

### ***Conclusion***


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wrag (6,612,255) is further cited to show mechanical fittings with releasable retention couplings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem Nguyen whose telephone number is 571 272-2096. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Khiem Nguyen  
Primary Examiner  
Art Unit 2839